

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0225

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1029** - 1/21/2010

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Social Worker Examiners to deny,
2 suspend, or revoke applications for licensure or licenses under certain circumstances and
3 repeal certain physical examination provisions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 36-26-32 be amended to read as follows:

6 36-26-32. The ~~license of board may deny, revoke, suspend, or cancel any license or~~
7 application for licensure to practice as a certified social worker, social worker, or social work
8 associate may be revoked, suspended, or canceled and may take such other disciplinary or
9 corrective action as the board deems appropriate upon any one or more of the following
10 grounds:

11 (1) The licensee is guilty of fraud in the practice of social work or fraud or deceit in ~~his~~
12 the licensee's admission to the practice of social work;

13 (2) The licensee or applicant has been convicted during the past five years of a felony.
14 The conviction of a felony shall be the conviction of any offense, which if committed



- 1 within the State of South Dakota would constitute a felony under the laws thereof;
- 2 (3) The licensee is engaged in the practice of social work under a false or assumed name
- 3 and has not registered that name pursuant to chapter 37-11, or is impersonating
- 4 another practitioner of a like or different name;
- 5 (4) The licensee or applicant is addicted to the ~~habitual~~ use of intoxicating liquors,
- 6 narcotics or stimulants to such an extent as to incapacitate him or her from the
- 7 performance of his or her professional duties;
- 8 (5) The physical or mental condition of the licensee or applicant is determined by a
- 9 competent medical examiner to be such as to jeopardize or endanger those who seek
- 10 relief from the licensee or applicant. A majority of the board may demand an
- 11 examination of the licensee or applicant by a competent medical examiner selected
- 12 by the board at the board's expense. If the licensee or applicant fails to submit to ~~said~~
- 13 the examination, this shall constitute immediate grounds for suspension of the
- 14 licensee's license or denial of the application for licensure;
- 15 (6) The licensee has been found in violation of the code of ethics of the National
- 16 Association of Social Workers;
- 17 (7) Obtaining or attempting to obtain a license, certificate, or renewal thereof by bribery
- 18 or fraudulent representation;
- 19 (8) Knowingly making a false statement in connection with any application under this
- 20 chapter;
- 21 (9) Knowingly making a false statement on any form promulgated by the board in
- 22 accordance with this chapter or the rules ~~and regulations~~ promulgated under this
- 23 chapter; ~~and~~
- 24 (10) The licensee or applicant has violated any provision of this chapter or the rules ~~and~~

1 regulations promulgated ~~hereunder~~ under this chapter; and

2 (11) Cancellation, revocation, suspension, or refusal to renew a certificate, license, or
3 permit to engage in the practice of social work in any other state for any cause.

4 Section 2. That § 36-26-20 be repealed.

5 ~~— 36-26-20. If a majority of the board members have reason to suspect that the physical or~~
6 ~~mental health of any applicant is such as to jeopardize or endanger those who seek assistance~~
7 ~~from him or her, then the board shall require the applicant to forthwith have a physical~~
8 ~~examination by a competent medical examiner selected by the said board. The board shall pay~~
9 ~~the cost of such examination. If the medical examiner confirms that said person's physical or~~
10 ~~mental health is such as to jeopardize or endanger those who seek relief from the applicant, the~~
11 ~~board shall have authority to deny the application for a license until the applicant furnishes~~
12 ~~satisfactory proof of being physically and mentally competent and sound to practice social work.~~